IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

WA.No. 1451 of 2007

AGAINST THE JUDGEMENT IN WPC.15077/2007 Dated 14/06/2007

APPELLANT: PETITIONER

A.T.ALI, S/O KUNHAVARAN, AMMARAMBATH
THAZHATHODI HOUSE, ULLANAM NORTH,
PARAPPANANGADI, MALAPPURAM DISTRICT.

BY ADV. SRI.BABU PAUL

RESPONDENT: RESPONDENT

THE THRISSUR MUNICIPAL CORPORATION
REPRESENTED BY ITS SECRETARY, THRISSUR.

BY STANDING COUNSEL SRI.K.B.MOHANDAS.
SRI.LALULAL T.G.THUNDATHIL

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 22/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

.....

W.A. No. 1451 OF 2007

.....

Dated this the 22nd June, 2007

J U D G M E N T

H.L. Dattu, C.J.:

Questioning the correctness or otherwise of the judgment delivered by the learned single Judge in W.P.(C) 15077 of 2007 dated 14th June, 2007, this Writ Appeal is filed.

2.. Now, the appellant seeks leave of this Court to withdraw the Writ Appeal with liberty to him, to quit and deliver the vacant possession of the premises in his occupation within a period of one month from today. An affidavit is also filed. The said affidavit reads as under:

> *" 2. When the Writ Appeal came up for admission, this Hon'ble Court was pleased to direct me to file an affidavit, undertaking that I shall vacate the premises on the expiry of one month from today.*
>
> *3. I, hereby undertakes that I shall vacate the premises of the canteen in the Sakthan Thamburan Bus Stand, Thrissur, immediately on expiry of one month from today and I most humbly prayed that this Hon'ble Court may be pleased to grant one more month time for me to continue in the premises.*
>
> *In the circumstances, I most humbly prayed that this*

Hon'ble Court may be pleased to accept my undertaking and I may be permitted to continue one more month in the premises of the canteen in the Sakthan Thamburan Bus Stand, Thrissur, in the interests of justice."

3. Learned counsel appearing for the Thrissur Municipal Corporation opposes the request made by the learned counsel for the appellant.

4. The petitioner/appellant was a licencee to run a canteen and he was doing business for the last three years. His licence has expired and therefore, the Municipal Corporation has directed the petitioner to quit and deliver the vacant possession of the premises in his occupation.

5. The petitioner/appellant states that he has invested a lot of money to improve his business. Therefore, a request is made by him before this court to grant him at least a month's time to vacate the premises and also in order to facilitate him to remove the articles in the premises. In our opinion, the request of the petitioner/appellant is only reasonable. Therefore the request is granted . Accordingly, the following:

O R D E R

1. Writ Appeal is rejected.

2. We grant one month's time to the petitioner/appellant to quit

and deliver the vacant possession of the premises.

3. The petitioner/

appellant shall not ask for any extension of time.

With these observations and directions, the Writ Appeal is disposed of. Ordered accordingly.

Issue copy today itself.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

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